

SENATE BILL REPORT

SB 5377

As Reported by Senate Committee On:
Agriculture, Water & Rural Economic Development, February 4, 2013

Title: An act relating to extending the program establishing Christmas tree grower licensure.

Brief Description: Extending the program establishing Christmas tree grower licensure.

Sponsors: Senators Rivers, Hatfield, Bailey, Becker and Hargrove.

Brief History:

Committee Activity: Agriculture, Water & Rural Economic Development: 2/04/13 [DP].

SENATE COMMITTEE ON AGRICULTURE, WATER & RURAL ECONOMIC DEVELOPMENT

Majority Report: Do pass.

Signed by Senators Hatfield, Chair; Brown, Eide, Hobbs, Honeyford, Ranking Member; Schoesler and Shin.

Staff: Diane Smith (786-7410)

Background: The Washington Department of Agriculture (WSDA) administers the horticultural plant inspection and licensing program. In 2007 this program was expanded to include Christmas trees. WSDA inspects and issues certificates of inspection for Christmas trees. Christmas trees are defined as a cut evergreen tree of a marketable species that is managed to meet federal standards of the United States Department of Agriculture and that has been grown using periodic maintenance practices including shearing or culturing, weed and brush control, and has been grown using at least one of the following practices: basal pruning, fertilization, insect and disease control, stump culture, soil cultivation, or irrigation.

Enforcement is by rule for the inspection or certification of any Christmas tree as to freedom from infestation by plant pests. Fees are charged for Christmas tree grower licenses and for inspection. Small growers who sell directly to the ultimate consumer are exempt, but all other growers of Christmas trees are required to obtain a license from WSDA. The annual licensing fee may not exceed a basic charge of \$40 plus up to \$4 per acre as an acreage assessment. The annual Christmas tree grower license fee may not exceed \$5,000 per licensee. The current license fee is \$40 with an additional assessment of \$3 per acre. Approximately \$25,000 per year is collected from the approximately 45 licensees and their

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

7,700 acres of Christmas trees.

The advisory committee appointed by the Director of WSDA consists of at least five members serving three-year staggered terms. The advisory committee represents licensed Christmas tree growers, the industry, and WSDA. Christmas tree growers or other persons with a financial interest may request inspection or certification services by WSDA.

It is unlawful for any person to sell or to transport any Christmas tree in this state unless the tree meets standards established in rule for freedom from infestation by plant pests and other requirements of the chapter. The Director may require by rule that any or all Christmas trees delivered or shipped into this state be inspected.

It is unlawful for Christmas tree growers to falsely claim to be an agent or representative of a Christmas tree grower; to alter an official certificate or other inspection document; or to substitute a Christmas tree for a Christmas tree that is covered by an inspection certificate.

WSDA may issue a hold order for Christmas trees damaged, infested, or infected by any plant pests. It is unlawful to sell or move these trees until they are released in writing by the Director. Treatment is the sole responsibility of the person holding the material for sale. The Director must condemn any Christmas trees found to be diseased, infected, or infested to the extent that treatment is not practical.

Fees collected from Christmas tree growers are to be deposited in the Christmas tree account within the agricultural local fund. These funds may only be used for the Christmas tree program which may include market surveys and research related to Christmas trees. The act expires on July 1, 2014.

Summary of Bill: The WSDA Christmas tree program is extended to July 1, 2020.

Appropriation: None.

Fiscal Note: Available.

[OFM requested ten-year cost projection pursuant to I-960.]

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: We do not have Asian gypsy moth or sudden oak death outside controlled environments in Washington. We need to maintain protection from them and other potential threats to the industry. The industry is happy to pay to keep this important insurance-like program in place.

Persons Testifying: PRO: Senator Rivers, prime sponsor: Brad Tower, WA Christmas Tree Growers.